

REMARKS

Claims 1-27 are pending in the application. Claims 1-15, 21, 22, and 25 are withdrawn from consideration, and claims 16-20, 23, 24, 26, and 27 stand rejected by the Office action mailed 5 November 2009. Claims 28 and 29 are new. Support for the new claims may be found at least at paragraphs [0023]-[0024] of the Application as published, for example.¹ Thus, no new matter has been added.

Rejections Under 35 U.S.C. § 102(b)

Claims 16-18, 20, & 23

Claims 16-18, 20, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Werner, *et al.* (US 2002/0168562, heretinafter “Werner”). This rejection is respectfully traversed.

Independent claim 16 recites, *inter alia*, means for controlling the temperature of said chamber and the operation of said rotor.

Applicants submit that Werner nowhere discloses the aforementioned feature of independent claim 16. The Office asserted that “disc is inside optical disc drive and is temperature controlled, therefore chamber is temperature controlled, par. 160”² Werner, however, nowhere teaches that the disc is temperature controlled. Nor does Werner anywhere teach that the optical disc drive is temperature controlled. Werner simply lacks the aforementioned feature of independent claim 16.

Consequently, the subject matter of independent claim 16 is not anticipated by Werner. Claims 17-18, 20, and 23 depend from independent claim 16. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of claims 16-18, 20, and 23 under 35 U.S.C. § 102(b) as anticipated by Werner.

¹ U.S. Patent Application Pub. No. 2006/0223061 (Oct. 5, 2006).

² Final Office Action, 3:5-6 (Nov. 5, 2009).

Rejections Under 35 U.S.C. § 103(a)

Claim 19

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner. This rejection is respectfully traversed.

Claim 19 depends from independent claim 16, and so recites, *inter alia*, means for controlling the temperature of said chamber and the operation of said rotor. As explained above, Werner nowhere teaches that the disc is temperature controlled. Nor does Werner anywhere teach that the optical disc drive is temperature controlled.

Thus, the subject matter of claim 19 is not rendered unpatentable by Werner. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. §103(a) as being unpatentable over Werner.

Claim 24

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, as applied to claims 16 and 23, in view of Gjerde, *et al.* (US 6,210,885, hereinafter “Gjerde”). This rejection is respectfully traversed.

Claim 24 depends ultimately from independent claim 16, and so recites, *inter alia*, means for controlling the temperature of said chamber and the operation of said rotor. As explained above, Werner nowhere teaches that the disc is temperature controlled. Nor does Werner anywhere teach that the optical disc drive is temperature controlled. Applicant submits that Gjerde does not add anything that would remedy the aforementioned deficiency in Werner.

Thus, the subject matter of claim 24 is not rendered unpatentable by Werner, as applied to claims 16 and 23, in view of Gjerde. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) as being unpatentable over Werner, as applied to claims 16 and 23, in view of Gjerde.

Claim 26

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, in view of Gordon *et al.* (US 2002/0098528, hereinafter “Gordon”). This rejection is respectfully traversed.

Claim 26 depends from independent claim 16, and so recites, *inter alia*, means for controlling the temperature of said chamber and the operation of said rotor. As explained above, Werner nowhere teaches that the disc is temperature controlled. Nor does Werner anywhere teach that the optical disc drive is temperature controlled. Applicant submits that Gordon does not add anything that would remedy the aforementioned deficiency in Werner.

Thus, the subject matter of claim 26 is not rendered unpatentable by Werner, in view of Gordon. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. §103(a) as being unpatentable over Werner, in view of Gordon.

Claim 27

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, in view of Almogy (US 6,236,454, hereinafter “Almogy”). This rejection is respectfully traversed.

Claim 27 depends from independent claim 16, and so recites, *inter alia*, means for controlling the temperature of said chamber and the operation of said rotor. As explained above, Werner nowhere teaches that the disc is temperature controlled. Nor does Werner anywhere teach that the optical disc drive is temperature controlled. Applicant submits that Almogy does not add anything that would remedy the aforementioned deficiency in Werner.

Thus, the subject matter of claim 27 is not rendered unpatentable by Werner, in view of Almogy. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 27 under 35 U.S.C. §103(a) as being unpatentable over Werner, in view of Almogy.

Conclusion

In view of the remarks above, Applicant respectfully submits that the stated grounds for rejection have been properly addressed and that all of the claims are patentable, and so request

favorable action thereon. The Examiner is invited to contact the undersigned if any additional information is required.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-4254, under Attorney Docket No. 2913474-003000.

Respectfully submitted,

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DATED: May 3, 2010

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